

# The Corporation of the Township of Georgian Bluffs

## By-law Number 2024-049

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Being a By-law to licence and regulate short term rental accommodations within the Township of Georgian Bluffs.

Whereas, subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001 c. 25 (the "*Municipal Act, 2001*"), provides that the powers of municipalities under the *Municipal Act, 2001* or any other Act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues; and

Whereas, section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purposes of exercising authority under the *Municipal Act, 2001* or any other Act; and

Whereas, subsection 11(2) of the *Municipal Act, 2001* provides that a lower tier municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and the protection of persons and property including consumer protection; and

Whereas, subsection 128 of the *Municipal Act, 2001* provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances and that the opinion of council, if arrived at in good faith, is not subject to review by any court; and

Whereas, sections 151 and 160 of the *Municipal Act, 2001* provide that a municipality may provide for a system of licences with respect to a business and pass by-laws licensing businesses under any section of the *Municipal Act, 2001* or any other Act; and

Whereas sections 391 of the *Municipal Act, 2001* authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it;

Whereas, subsection 425(1) of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under the *Municipal Act, 2001* is guilty of an offence; and

Whereas subsection 425(3) of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that a director or officer of a corporation who knowingly concurs in the contravention of a by-law by the corporation is guilty of an offence; and

Whereas, section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under a by-law of a municipality passed under the *Municipal Act, 2001* and provides that a system of fines may designate an offence to be a continuing offence; and to establish escalating fines for a second and subsequent convictions for the same offence; and

Whereas, section 436 of the *Municipal Act* provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with: a by-law of the municipality passed under the *Municipal Act, 2001*, a direction or order of the municipality made under the *Municipal Act, 2001* or made under a by-law of the municipality passed under the *Municipal Act, 2001*, a condition of a Licence issued under a by-law of the municipality passed under the *Municipal Act, 2001* or an order made under section 431 of the *Municipal Act, 2001*; and

Whereas Section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravenes a by-law of the municipality passed under

the *Municipal Act, 2001* or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity; and

Whereas, the *Building Code Act, 1992* S.O. 1992, c. 23 (the "*Building Code Act, 1992*") and O. Reg. 163/24 (the "Building Code") promote public health and safety through the application of building standards; and

Whereas, the Council for the Township of Georgian Bluffs deems it expedient to establish regulations to licence Short Term Rental Accommodations in the Township of Georgian Bluffs in the interest of public safety, nuisance control and consumer protection;

Now Therefore, the Council of the Corporation of the Township of Georgian Bluffs enacts the following:

1. Definitions

- i. "Accessory" means a use, separate building or structure, which is incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure. (Township of Georgian Bluffs, Zoning By-law 2020-020)
- ii. "Accessory Building or Structure"
  - i. A detached building or structure above ground or below ground not used for human habitation, the use of which is naturally and normally incidental to, subordinate to and exclusively devoted to, a principal use or building and located on the same lot therewith; and,
  - ii. Includes, amongst others, a detached private garage. (Township of Georgian Bluffs, Zoning By-law 2020-020)
- iii. "Applicant" means a Person who has applied for a licence, in accordance with the provisions of this By-law.
- iv. "Bed and Breakfast Establishment" means a home occupation within a single family dwelling wherein not more than three rooms are rented and meals are served to overnight guests for commercial purposes.
- v. "Bedroom" means a room or area used, designed, equipped or intended for sleeping.
- vi. "Building" means a structure consisting of any combination of walls, roof and floor or any structural system serving the function thereof, including all associated plumbing, works, fixtures, service systems and carports but not including tents and awnings. (Township of Georgian Bluffs, Zoning By-law 2020-020)
- vii. "Council" means the Council of the Corporation of the Township of Georgian Bluffs.
- viii. "Chief Building Official" means the Chief Building Official appointed by the Council of the Township of Georgian Bluffs.
- ix. "Dwelling Unit" means a room or rooms which function as a housekeeping unit used or intended to be used as a domicile by one or more persons, in which only one kitchen, living quarters and sanitary facilities are provided for the exclusive use of the residents and with a private entrance from outside the building or from a common hallway or stairway.

- x. "Fee" means fees as established by the Township's Annual Fees and Charges By-law, or as included In this By-law.
- xi. "Fire Official" means the individual(s) appointed by the Township of Georgian Bluffs to complete inspections required by the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4.*
- xii. "Floor Plan" means a drawing or sketch drawn to an approximate scale, that shows the room layout on each floor of a building to be used as a short term accommodation rental alongside approximate measurements and shall identify primary uses of each room (Bedroom, washroom, bathroom, kitchen, etc.)
- xiii. "Good Neighbour Acknowledgement" means a document that has been signed by the Owner that has been approved by the Township that sets out the roles and responsibilities of the Occupant, including behavioral expectations as they relate to non disturbance; which provides a warning related to the making of a disturbance; and, which identifies applicable Township of Georgian Bluffs By-laws that the Occupant must comply with including the provisions of this By-law, and the licence requirements contained herein.
- xiv. "Health Unit" means the Grey Bruce Public Health.
- xv. "Issuer of Licenses" means the Manager of Legislative Services / Clerk, or their designate.
- xvi. "Occupant" means the Person or Persons who temporarily reside at, lodge in or occupy a Short Term Rental Accommodation. Occupant shall not include daily visitors to the Property or the Owner.
- xvii. "Occupant Load" is defined by the Building Code and will generally be taken as 2 persons per designated Bedroom and 2 additional persons.
- xviii. "Officer" is a person, or persons, appointed to enforce the by-laws of the Township of Georgian Bluffs, including a By-law Enforcement Officer and a Provincial Offences Officer, as defined by the *Provincial Offences Act, R.S.O. 1990, Chapter P.33.*
- xix. "Owner" means the person holding title to the lands on which the STRA is located.
- xx. "Property" means the lot upon which a Short-Term Rental Accommodation is operated, inclusive of Buildings or structures or any part thereof used for such purpose.
- xxi. "Primary Residence" is a Dwelling Unit, or part of a Dwelling Unit that is considered the Principle Residence as per Canadian Tax law.
- xxii. "Responsible Person" means an Owner of a STRA, or a Person eighteen (18) years of age or older duly appointed by an Owner to act on their behalf, and being responsible for ensuring the STRA is operated in accordance with the provisions of this By-law, the Licence, and applicable laws.
- xxiii. "Short Term Rental Accommodation" (STRA) means the use of any Dwelling Unit or any part of a Dwelling Unit as a place of temporary habitation, lodging or occupancy under authority of a concession, permit, lease, licence, rental agreement or similar commercial arrangement authorizing such temporary habitation, lodging or occupancy for a period equal to or less than thirty (30) consecutive calendar days, but does not include a motel, hotel or Bed and Breakfast Establishment as defined in the Township of Georgian Bluff's Zoning By-law 2020-020, as amended.

- xxiv. "Site Plan" means a drawing or sketch made to an approximate scale and that includes approximate measurements that depicts the layout of the Property on which a Short Term Rental Accommodation operates. The Site Plan will show areas for parking (including maximum number of vehicles), areas of managed yard space, approximate property limits, any approved fire pit or burning areas, and significant structures.
- xxv. "Third Party Adjudicator" means an independent third party, appointed by the Township of Georgian Bluffs, to consider appeals to processes prescribed herein.

## 2. Application

- i. The requirements of this By-law apply to the trade, business or occupation of providing Short Term Rental Accommodations within the geographic limits of the Township of Georgian Bluffs, as of and after the date this By-law comes into effect.
- ii. Persons who own, operate or offer Short Term Rental Accommodation as of and after the effective date of this By-law must file an application for a licence under this By-law no later than March 1, 2025.
- iii. The determination of whether a licence application is complete, in accordance with the requirements of this By-law shall be within the sole discretion of the Issuer of Licences.
- iv. The requirements of this By-law shall not apply to a hotel, motel, or similar commercial use, including Bed and Breakfast Establishments approved and zoned Commercial, in accordance with the Township's Zoning By-law 2020-020, as amended.
- v. The requirements of this By-law apply to Bed and Breakfast Establishments, approved and zoned Residential, in accordance with the Township's Zoning By-law 2020-020, as amended.

## 3. Licence Application

- i. Every Applicant making application for a STRA licence shall submit the following information and/or documentation to the Issuer of Licences as part of a completed application package, including but not limited to:
  - i. A completed licence application form with the required licence Fee, as contained in the Fees and Charges By-law currently in effect for the licence term.
  - ii. The address of the STRA Property, together with a declaration stating whether the STRA is the Applicant's primary or secondary residence.
  - iii. A signed Good Neighbour Acknowledgment, in the form appended to this By-law as Schedule "A".
  - iv. A Floor Plan identifying:
    - 1. what part(s) of the Property will be used as STRA;
    - 2. the location of fixtures (i.e., toilet, bathtub, shower, or sink);
    - 3. location of Bedrooms including location of windows within Bedrooms and Occupant Load for sleeping purposes;
    - 4. total Occupant Load, based on number of Bedrooms for sleeping purposes. The total Occupant Load will be determined by the Issuer of Licences upon review of the application.

5. all entrances/exits;
  6. location of all fuel-fired appliances (i.e., gas fireplace, stove, furnace, or hot water tank) or solid fuel-fired appliances (i.e., wood burning fireplace, woodstove or wood furnace);
  7. location of smoke alarms;
  8. location of fire extinguishers; and
  9. location of carbon monoxide alarms.
- v. A Site Plan identifying (if applicable):
1. property lines;
  2. location of all buildings and structures on the Property including setbacks from property lines;
  3. any exterior deck or dock and related site amenities;
  4. location and layout with dimensions of the parking area on the Property;
  5. location of firepit(s) including setbacks from property lines and structures;
  6. location of well, if applicable;
  7. location of septic tank and bed, if applicable, including setback to property lines; and
  8. location and details of shoreline amenity areas, if applicable.
- vi. Proof of septic system pump-out, including the name of service company, and any required repairs to the system identified during the pump-out and inspection, dated within the last five (5) years, if applicable.
- vii. Inspection/review documents from the Chief Building Official as evidence that the STRA meets the Township of Georgian Bluff's building regulations and the requirements under the Building Code. The Applicant shall cooperate and facilitate in arranging an inspection of the Property in a timely manner and shall be in attendance during the inspection. If, upon inspection, the Township of Georgian Bluffs identifies any life safety issues, these issues must be remedied to the satisfaction of the Township of Georgian Bluffs within a reasonable amount of time, failing which, the STRA licence will either be revoked or not issued.
- viii. Inspection/review documents from the Fire Official as evidence, that the STRA meets the Township of Georgian Bluff's fire regulations and the requirements under the *Fire Protection and Prevention Act, 1997*. The Applicant shall cooperate and facilitate in arranging an inspection of the Property in a timely manner and shall be in attendance during the inspection. If, upon inspection, the Township of Georgian Bluffs identifies any life safety issues, these issues must be remedied to the satisfaction of the Township of Georgian Bluffs within a reasonable amount of time, failing which, the STRA licence will either be revoked or not issued.
- ix. Documents required as evidence of Property ownership or, if the Applicant is the tenant of the Property, written consent of the

Owner(s) of the Property, accompanied by Property ownership evidence.

- x. The name and contact information of the Responsible Person who can be available at all times to respond to issues at the STRA within a period of no greater than one (1) hour from the time of contact by telephone or email by an Officer.
  - xi. An indemnity in favour of the Township of Georgian Bluffs from and against claims, demands, losses, costs, damages, actions, suits or proceedings that arise out of, or are attributable to, the STRA, which shall be in a form satisfactory to the Licence Issuer.
- ii. An information package, which is required to be provided to all Occupants of the STRA. The Issuer of Licences may in their discretion request additional information however, at a minimum, the information package will include the following:
- i. Name and telephone number of the STRA Owner(s) and/or Responsible Person who will be available twenty-four (24) hours per day during any STRA rental period and is able to respond to issues at the Property within one (1) hour from the time of contact by telephone or email by an Officer.
  - ii. Floor Plan including the location of safety equipment within the property and all exits including emergency egress information for the Property.
  - iii. Health and emergency contacts including the location and hours of the nearest emergency medical service.
  - iv. Information relating to waste disposal and property maintenance, to ensure existing and continued compliance with all relevant waste management regulations and collection expectations.
  - v. Instructions and mapping for lawful parking on the Property or in the area, as applicable.
  - vi. Procedures for filing and responding to complaints.
  - vii. A copy of the Good Neighbour Acknowledgment, as set out in Schedule "A", signed by each and every Owner of the Property.
4. Licences – Number and Term
- i. A license may be issued to an Owner of an individual Property with a Roll Number in the Township of Georgian Bluffs.
  - ii. No one Owner shall operate more than three (3) STRAs throughout the boundaries of the whole of the Township of Georgian Bluffs.
  - iii. Licences issued by the Issuer of Licences will be posted in a registry on the Township of Georgian Bluffs' website, including licence number and municipal address of the STRA.
  - iv. The term of every licence shall be indicated on the licence after which time the licence shall become null and void. For the purposes of determining the term of a licence, the following shall apply:
    - i. Annual – January 1st to December 31st inclusive.
5. No Vested Right

- i. No Person shall have a vested right to the continuation or re-issuance of a licence. All licences issued, renewed, cancelled, suspended, or terminated remain the sole property of the Township of Georgian Bluffs.

#### 6. Demerit Point System

- i. The Demerit Point System set out in Schedule "B" is established without prejudice to options otherwise available to enforce this and other Township by-laws and provincial statutes and regulations.
- ii. The number of demerit points referenced in Column 4 of Schedule "B" will be assessed against the STRA Property and Owner in respect to the infraction noted in Column 1 upon the following event:
  - i. The expiry of the period of appealing a fine imposed pursuant to Part III of the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33.
  - ii. The expiry of the period for appealing against a conviction in the Ontario Court of Justice.
  - iii. An Order not complied with.
  - iv. An observation of an Officer, Chief Building Official or Fire Official.
- iii. A licence may be suspended by the Issuer of Licences for a period of six months if the total demerit points in effect respecting a STRA is seven (7) or more.
- iv. A licence shall be revoked by the Issuer of Licences for a period of twelve (12) months if the total demerit points in effect respecting a STRA is fifteen (15).
- v. Demerit points shall remain in place for two (2) years following the date on which the demerit points were assessed, or upon transfer of ownership of the Property.

#### 7. Licence Suspension / Revocation

- i. The Issuer of Licences shall receive, review and process all applications for a STRA licence.
- ii. The Issuer of Licences may refuse to issue a licence and may suspend or cancel an issued licence when:
  - i. The application does not meet or has failed to adhere to the requirements of this By-law, other Township by-laws, or any applicable provincial or federal legislation or regulation.
  - ii. The Issuer of Licences determines that the location and/or operation of the STRA may create or has created a public nuisance.
  - iii. The Issuer of Licences determines that the operation of the STRA is contrary to the public interest.
  - iv. The maximum number of demerit points pursuant to section 6 of this By-law have accrued for a particular Property.
- iii. Notice of the suspension or cancellation of an issued licence shall be in a written form and may be communicated to the Owner by an Officer via any one of the following approved methods:
  - i. Personal service to the Responsible Person or Owner of the STRA.
  - ii. Posting the notice in a prominent location on the Property of the STRA.

- iii. Mailing the notice through registered mail to the Owner at the address noted on the licence application. When notice of licence cancellation or suspension is communicated to the Owner via registered mail, the licence shall be deemed to be cancelled or suspended three (3) business days after mailing.

8. Notice and Appeal

- i. An Applicant that has had a Licence application refused may make a written application to the Chief Administrative Officer of the Township of Georgian Bluffs, or their delegate, to have the decision of the Issuer of Licences overturned.
- ii. Upon receipt of a written application as outlined in section 8.i., the Chief Administrative Officer may either:
  - i. Confirm the decision of the Issuer of Licences;
  - ii. Implement a new decision; or
  - iii. At their sole discretion, permit the Applicant an opportunity to forward their appeal to the Township's appointed Third Party Adjudicator.
- iii. By virtue of this section, Council shall establish the requirement for a Third Party Adjudicator, to consider appeals to the licensing process contained herein.
- iv. The Third Party Adjudicator shall be called to consider any of the following:
  - i. An appeal to be granted a licence;
  - ii. An appeal to have a licence suspended, under section 7.ii of this By-law, resumed;
  - iii. An appeal to have a licence revoked, under section 7.iii of this By-law, reinstated.
- v. The Third Party Adjudicator shall have the authority to impose conditions of remediation in the case of an appeal, as defined in the Committee's Term of Reference.
- vi. Any decision made by the Third Party Adjudicator shall be final.

9. General Provisions

- i. No Person shall operate a STRA anywhere within the Township of Georgian Bluffs without possessing and displaying on all related advisements, a valid licence or licence number issued by the Issuer of Licences under the authority of this By-law.
- ii. Every Applicant shall be the Owner of the Property.
- iii. Accessory Structures, built in compliance with the Building Code and the Township Zoning By-law 2020-020, as amended, shall be permitted for uses regulated by this By-law, subject to the provisions of a licence.
- iv. The number of Accessory Structures permitted for use as STRAs and their associated Occupant Load shall be determined at the time of application following a review of the septic system's capacity, but for greater certainty such number of persons shall not exceed the maximum Occupant Load, identified on the Floor Plans, regardless of the system's capacity.
- v. Every Owner shall ensure that there is a Responsible Person available at all times to respond to issues at the licensed Property within a period of no



greater than one (1) hour from the time of contact by telephone or e-mail by an Officer.

- vi. Every Owner shall insure that Occupants are provided with the information package referred to in section 3.ii.
- vii. No Person shall use, operate, advertise or offer a Short-Term Rental Accommodation without a License or with a revoked, suspended or expired License.
- viii. No Person shall use, operate, advertise or offer a Short-Term Rental Accommodation in contravention of the approved Site Plan or Floor Plans or any terms and conditions imposed on a License.
- ix. No Person shall permit more than the approved Occupant Load as determined by the Issuer of Licences at the time of application.
- x. No Person shall, while occupying or operating a STRA, contravene any by-law of the Township of Georgian Bluffs or any provincial or federal statutes or regulations or orders made pursuant to the foregoing.
- xi. No Owner shall fail to produce a copy of the License upon the request of an Officer.
- xii. No Person shall provide false information on an application for a STRA license.
- xiii. No Person shall hinder, interfere with or otherwise obstruct, either directly or indirectly, an Officer, employee of the Township of Georgian Bluffs and/or agent in the lawful exercise of power or duty under this By-law.
- xiv. An Owner shall ensure that a multi-purpose (ABC) ULC listed portable fire extinguisher with a minimum rating of 2A 10B:C is located in all indoor cooking areas of the STRA and located so that they are clearly visible and accessible at all times.
- xv. An Owner shall ensure that a means of extinguishment be visible and accessible at all times in proximity to all outdoor fire pits.

#### 10. Insurance

- i. Every licensee shall maintain the following minimum insurance coverage(s) on the licensed STRA for the duration of the licence:
  - i. No less than two million dollars (\$2,000,000) public or general liability per occurrence and identify that a STRA is being operated on the Property.

#### 11. Offences and Penalties

- i. Every Person and every director or officer of a corporation who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by *the Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended.
- ii. For the purpose of this By-law, each day of a continuing offence shall be deemed to be a separate offence.

#### 12. Enforcement

- i. For the purpose of section 12 of this By-law, Property does not include Dwelling Units.

- ii. An Officer or their designate(s) may, at any time, enter onto a Property, to determine whether this By-law is being complied with.
- iii. No Person shall refuse to permit an Officer or their designate(s) to inspect a Property for the purposes of determining compliance with the By-law.
- iv. An Officer or their designate(s) may enter upon a Property at any reasonable time to direct or require that a matter or action be done and, in default of that matter or action being done, to do such matter or action in accordance with this By-law.
- v. A Person exercising power of entry on behalf of the Township of Georgian Bluffs under this By-law may be accompanied by any Person under their direction as deemed necessary.
- vi. The Township of Georgian Bluffs may undertake an inspection pursuant to an order issued under section 438 of the *Municipal Act, 2001*. Where an inspection is conducted, the Officer conducting the inspection may:
  - i. Require the production of relevant documents or things for inspection;
  - ii. Inspect and remove relevant documents or things for the purpose of making copies or extracts;
  - iii. Require information from any Person concerning a relevant matter including their name, address, phone number and identification; and
  - iv. Make examinations, take tests, samples or photographs, alone or in conjunction with a Person possessing special or expert knowledge, necessary for the purposes of inspection.

### 13. Orders

- i. If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Person who contravened this By-law, the Owner or the Person who caused or committed the contravention of this By-law, to discontinue the contravening activity.
- ii. If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order requiring the Person who contravened this By-law or the Owner of the Property where the contravention occurred, to do work to correct the contravention.
- iii. An order made under section 13.i or section 13.ii shall set out:
  - i. the reasonable particulars of the contravention adequate to identify the contravention and the location of the Property on which the contravention occurred;
  - ii. the work to be done pursuant to an order made under section 13.ii; and
  - iii. the date by which there must be compliance with the order.
- iv. In the event of a default of such work being done, the Officer shall direct the work to be done at the Owner's expense and the Township of Georgian Bluffs shall recover the expense in the same manner as municipal taxes; or
- v. The order shall be posted in a conspicuous place on the Property.
- vi. No Person shall fail to comply with an order issued by an Officer pursuant to section 13.i or section 13.ii.

Schedule A: Demerit Point System

Infraction	Type	Demerit Point
Fire Protection and Prevention Act/Fire Code Violation	Written warning issued by Officer	5
	Part III Conviction	15
Burning Control By-law Violation	Written warning issued by Officer	3
	Part III Conviction	5
STRA Licensing By-law Violation	Written warning issued by Officer	3
	Part III Conviction	5
Building Code Act Violation	Written warning issued by Officer	5
	Part III Conviction	15
Nuisance By-law Violation	Written warning issued by Officer	3
	Part III Conviction	5
Animal Control By-law Violation	Written warning issued by Officer	2
	Part III Conviction	4
Property Standards By-Law Violation	Written warning issued by Officer	3
	Part III Conviction	5
Clean Yard By-law Violation	Written warning issued by Officer	3
	Part III Conviction	5

- vii. An order under this By-law may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law came into force.
- viii. Once an order has been served in accordance with this By-law, an order shall remain in effect on a Property until the order has been complied with.

14. Validity and Severability


- i. Should any provision, or any part of a provision of this By-law be declared invalid, or to be of no force and effect by a court of competent jurisdiction, it is the intent of Council that such a provision, or part of a provision, shall be severed from this By-law, and every other provision of the By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

15. Effective Date

- i. This By-law shall come into force and effect upon being passed by Council.


Read a first and second time this 16th day of October 2024.

Read a third time and finally passed this 16th day of October 2024.



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Mayor – Sue Carleton



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Clerk – Carly Craig